



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 7641D3

PERMIT 4215

LICENSE 6389D3

Page 1 of 4

THIS IS TO CERTIFY, That

Eugenia Nicholas Murdock
Route 2, P.O. Box 20AB
Oakley, CA 94561

Has the right to use waters of **Sacramento River** in **Sutter County** tributary to **Suisun Bay**
for the following purposes: **Irrigation use**

Amended **License 6389D3** supersedes the license originally issued on **July 7, 1961**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 4215**. The priority of this right dates from **August 4, 1933**. Proof of maximum beneficial use of water pursuant to **Application 7641** was made as of **December 30, 1960** the date of inspection.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2.1 cubic feet per second** from **April 1 to September 30** of each year. The maximum diverted under this license shall not exceed **761 acre-feet**. The total amount of water diverted under this license and **License 7064C** shall not exceed **5033 acre-feet per year**.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights and instream beneficial uses; and provided further that all terms and conditions protecting instream beneficial uses to be observed.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

By California Coordinate System of 1927, Zone 2, North 406.000 and
and East 2,113.000 being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 23, T11N, R3E, MDB&M.

THE POINTS OF REDIVERSION ARE LOCATED:

- (1) By California Coordinate System of 1927, Zone 2, North 409.550 feet and East 2,114.809 feet being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T11E, R3E, MDB&M.
- (6) By California Coordinate System of 1927, Zone 2, North 414.490 feet and East 2,114.450 feet being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T11N, R3E, MDB&M.
- (8) California Coordinate System of 1927, Zone 2, North 414.860 feet and East 2,114.725 feet within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T11N, R3E, MDB&M.

- (9) By California Coordinate System of 1927, Zone 2, North 422,826 feet and East 2,115,731 feet being within projected Section 1, T11N, R3E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

119.3 acres net within a gross area of 747 acres as follows:
within projected Sections 1, 12, and 13, T11N, R3E, MDB&M, as shown on a map dated March 11, 1998 on file with the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal

objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

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This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Application.7641D3
Page 4 of 4

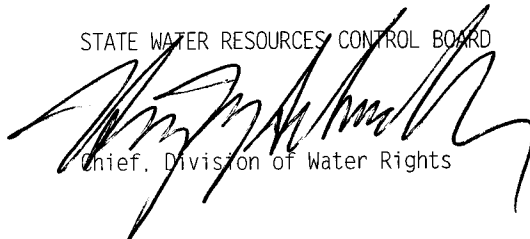
Permit 4215

License 6389D3

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **JAN 05 2001**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 6389D (Application 7641D)

**ORDER ADDING POINTS OF REDIVERSION DIRECTING ISSUANCE
OF SEPARATE LICENSES, AND REVOCATION OF ORIGINAL LICENSE**

SOURCE: Sacramento River

COUNTY: Sutter County

WHEREAS:

1. License 6389-D was issued to William Nicholas on July 7, 1961 pursuant to Application 7641 and was recorded with the County Recorder of Sutter on July 10, 1961.
2. On December 30, 1986, the Sacramento Superior Court issued Stipulated Interlocutory Judgement No. 63832 separating the interests of the beneficiaries for the Estate of William Nicholas.
3. A Petition for Change was received by the State Water Resources Control Board (SWRCB) on March 14, 1988 requesting division of License 6389D between the the following beneficiaries for the Estate of William Nicholas: Nicoli G. Nicholas, Maria Nicholas Kelly and Eugenia Nicholas Murdock as directed by the Sutter Court, Stipulated Judgement No. 63832. Additionally the petition requested changes in the points of diversion, rediversion and places of use.
4. The SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on October 15, 1999 and no protests were received.
5. The license terms for the continuing authority and water quality objectives of the SWRCB should be updated to conform to Section 780(a) & (b), Title 23 of the California Code of Regulations.
6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT Permit 20387 IS AMENDED TO READ AS FOLLOWS:

1. License 6389D be replaced by License 6389D1, 6389D2, and 6389D3.
2. Superseded License 6389D is hereby revoked upon the issuance of Licenses 6389D1 to Nicoli G. Nicholas, License 6389D2 issued to Maria Nicholas Kelly and License 6389D3 issued to Eugenia Nicholas Murdock.
3. Separate Licenses be issued as follows:

License 6389D1

Application 7641D1

Owner: Nicoli G. Nicholas
4705 T Street
Sacramento, CA 95819

Source: Sacramento River in Sutter County
Use: Irrigation
Amount: 2.1 cubic feet per second (cfs)
Maximum Annual Use: 761 acre-feet per annum (afa)
(In conjunction with License 7064A not to exceed 5033 afa)
The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights; and provided further that all terms and conditions protecting instream beneficial uses to be observed.

Season: April 1 to September 30
Point of Diversion:

(A) North 900 feet and West 1,700 feet from the SE corner of projected Section 23, T11N, R3E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 406,000 and E 2,113,000.

Point(s) of Rediversion:

(1) South 18° 00' East 1,000 feet from the NW corner of projected Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 409,550 and E 2,114,809.

- (2) South 50 feet West 375 feet from the NE corner of projected Section 23, T11N, R3E, MDB&M, being within the NE¼ of NE¼ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 410,450 and E 2,114,125.
- (3) North 60° 00' West 800 feet from the SE corner of projected Section 14, T11N, R3E, MDB&M, being within the SE¼ of SE¼ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 410,900 and E 2,113,807.
- (4) North 1,420 feet and West 1,175 feet from the SE corner of projected Section 14, T11N, R3E, MDB&M, being within the NE¼ of SE¼ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 411,920 and E 2,113,325.
- (5) South 1,350 feet and West 300 feet from the NE corner of projected Section 14, T11N, R3E, MDB&M, being within SE¼ of NE ¼ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 414, 250 and E 2,114,200.

Place of Use: 119.3 acres net within a gross area of 776 acres within projected Sections 13, 14, 23, and 24, T11N, R3E, MDB&M, as shown on a map filed with the SWRCB and identified by the County APN 34-140-006 and 34-190-007.

License 6389D2

Application 7641D2

Owner: Maria Nicholas Kelly
6918 - 75th Street So. West
Tacoma, WA 98498

Source: Sacramento River in Sutter County
Use: Irrigation
Amount: 2.1 cubic feet per second (cfs)
Maximum Annual Use: 761 acre-feet per annum (afa)
(In conjunction with License 7064B not to exceed 5,033afa)
The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights and instream beneficial uses; and provided further that all terms and conditions protecting instream beneficial uses to be observed.

Season: April 1 to September 30

Point(s) of
Diversion:

- (A) North 900 feet and West 1,700 feet from the SE corner of projected Section 23, T11N, R3E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 406,000 and E 2,113,000.

Point(s) of
Rediversion:

- (1) South 18° 00' East 1,000 feet from the NW corner of projected Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 409,550 and E 2,114,809.
- (7) South 27° 00' East 360 feet from the NW corner of projected Section 13, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 415,279 and E 2,114,663.
- (10) North 2,690 feet and East 1,650 feet from the SW corner of projected Section 1, T11N, R3E, MDB&M, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 423,790 and E 2,116,150.

Place of use: 119.3 acres net within a gross area of 826 acres within projected Sections 2, 11, and 14, T11N, R3E, MDB&M with the SWRCB, and identified by County APN 34-130-003, 34-130-004, 34-140-005, and 34-080-004.

License 6389D3

Application 7641D3

Owner: Eugenia Nicholas Murdock
Route 2, P.O. Box 20AB
Oakley, CA 94561

Source: Sacramento River in Sutter County
Use: Irrigation
Amount: 2.1 cubic feet per second (cfs)
Maximum Annual Use: 761 acre-feet per annum (afa)

(In conjunction with License 7064C not to exceed 5,033 cfs)
The equivalent of such continuous flow allowance for any
thirty-day period may be diverted in a shorter time if there
be no interference with other vested rights and instream
beneficial uses; and provided further that all terms and
conditions protecting instream beneficial uses to be observed.

Season:
Point(s) of
Diversion:

April 1 to September 30

- (A) North 900 feet and West 1,700 feet from the SE corner of projected
Section 23, T11N, R3E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section. Also described as California Coordinate System of 1927,
Zone 2, N 406,000 and E 2,113,000.

Point(s) of
Rediversion:

- (1) South 18° 00' East 1,000 feet from the NW corner of projected
Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of
1927, Zone 2, N 409,550 and E 2,114,809.
- (6) South 1,110 feet and West 50 feet from the NE corner of projected
Section 14, T11N, R3E, MDB&M, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said
Section. Also described as California Coordinate System of 1927, Zone 2,
N 414,490 and E 2,114,450.
- (8) North 2,260 feet and West 1,775 feet from the SE corner of projected
Section 12, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section. Also described as California Coordinate System of 1927,
Zone 2, N 414,860 and E 2,114,725.
- (9) North 35°30' East 2,120 feet from the SW corner of projected Section 1,
T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section.
Also described as California Coordinate System of 1927, Zone 2,
N 422,826 and E 2,115,731.

Place of Use:

119.3 acres net within a gross area of 747 acres within projected
Sections 1, 12, and 13, T11N, R3E, MDB&M, and shown on map dated
March 1988 on file with the SWRCB.

4. License 6389D1, 6389D2 and 6389D3 shall contain all other terms and conditions presently in License 6389-D or updated terms to reflect for compliance with the SWRCB's policy.
5. The continuing authority condition shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of Water diverted, are subjected to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific Requirements over and above those contained in this permit with a view to eliminating Waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to Implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate for the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

6. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of

the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharges requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7. The addition of a condition to the license that read as follows:

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stone4s. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by their Chief of the Division of Water Rights.

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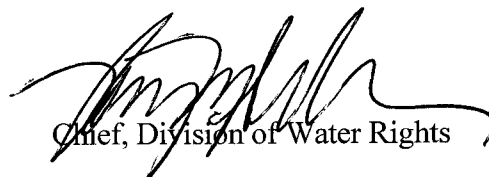
8. The addition of a condition to the license that read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

Dated: JAN 05 2001

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
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5. The license terms for the continuing authority and water quality objectives of the SWRCB should be updated to conform to Section 780(a) & (b), Title 23 of the California Code of Regulations.
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License 6389D1

Application 7641D1

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4705 T Street
Sacramento, CA 95819

Source: Sacramento River in Sutter County
Use: Irrigation
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Season: April 1 to September 30
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Diversion:

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Point(s) of
Rediversion:

(1) South 18° 00' East 1,000 feet from the NW corner of projected Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 409,550 and E 2,114,809.

- (2) South 50 feet West 375 feet from the NE corner of projected Section 23, T11N, R3E, MDB&M, being within the NE¼ of NE¼ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 410,450 and E 2,114,125.
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Place of Use: 119.3 acres net within a gross area of 776 acres within projected Sections 13, 14, 23, and 24, T11N, R3E, MDB&M, as shown on a map filed with the SWRCB and identified by the County APN 34-140-006 and 34-190-007.

License 6389D2

Application 7641D2

Owner: Maria Nicholas Kelly
6918 - 75th Street So. West
Tacoma, WA 98498

Source: Sacramento River in Sutter County
Use: Irrigation
Amount: 2.1 cubic feet per second (cfs)
Maximum Annual Use: 761 acre-feet per annum (afa)
(In conjunction with License 7064B not to exceed 5,033afa)
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- (7) South 27° 00' East 360 feet from the NW corner of projected Section 13, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 415,279 and E 2,114,663.
- (10) North 2,690 feet and East 1,650 feet from the SW corner of projected Section 1, T11N, R3E, MDB&M, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of 1927, Zone 2, N 423,790 and E 2,116,150.

Place of use: 119.3 acres net within a gross area of 826 acres within projected Sections 2, 11, and 14, T11N, R3E, MDB&M with the SWRCB, and identified by County APN 34-130-003, 34-130-004, 34-140-005, and 34-080-004.

License 6389D3

Application 7641D3

Owner: Eugenia Nicholas Murdock
Route 2, P.O. Box 20AB
Oakley, CA 94561

Source: Sacramento River in Sutter County
Use: Irrigation
Amount: 2.1 cubic feet per second (cfs)
Maximum Annual Use: 761 acre-feet per annum (afa)

(In conjunction with License 7064C not to exceed 5,033 afa)
The equivalent of such continuous flow allowance for any
thirty-day period may be diverted in a shorter time if there
be no interference with other vested rights and instream
beneficial uses; and provided further that all terms and
conditions protecting instream beneficial uses to be observed.
Season: April 1 to September 30

Point(s) of
Diversion:

- (A) North 900 feet and West 1,700 feet from the SE corner of projected
Section 23, T11N, R3E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section. Also described as California Coordinate System of 1927,
Zone 2, N 406,000 and E 2,113,000.

Point(s) of
Rediversion:

- (1) South 18° 00' East 1,000 feet from the NW corner of projected
Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System of
1927, Zone 2, N 409,550 and E 2,114,809.
- (6) South 1,110 feet and West 50 feet from the NE corner of projected
Section 14, T11N, R3E, MDB&M, being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said
Section. Also described as California Coordinate System of 1927, Zone 2,
N 414,490 and E 2,114,450.
- (8) North 2,260 feet and West 1,775 feet from the SE corner of projected
Section 12, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section. Also described as California Coordinate System of 1927,
Zone 2, N 414,860 and E 2,114,725.
- (9) North 35°30' East 2,120 feet from the SW corner of projected Section 1,
T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section.
Also described as California Coordinate System of 1927, Zone 2,
N 422,826 and E 2,115,731.

Place of Use:

119.3 acres net within a gross area of 747 acres within projected
Sections 1, 12, and 13, T11N, R3E, MDB&M, and shown on map dated
March 1988 on file with the SWRCB.

4. License 6389D1, 6389D2 and 6389D3 shall contain all other terms and conditions presently in License 6389-D or updated terms to reflect for compliance with the SWRCB's policy.
5. The continuing authority condition shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of Water diverted, are subjected to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific Requirements over and above those contained in this permit with a view to eliminating Waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to Implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate for the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

6. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of

the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7. The addition of a condition to the license that read as follows:

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stone4s. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by their Chief of the Division of Water Rights.

(0380500)

8. The addition of a condition to the license that read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

Dated: JAN 05 2001

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED
BY HARRY M. SCHUELLER

Chief, Division of Water Rights

Application 10704B
Page 3 of 3

Permit 6198

License 42038

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

FEB 14 2001

STATE WATER RESOURCES CONTROL BOARD

**ORIGINAL SIGNED
BY HARRY M. SCHUELLER**

Chief, Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 7641 PERMIT 4215 LICENSE 6389-D

THIS IS TO CERTIFY, That

William Nicholas
Ramona Hotel
6th and J Streets
Sacramento, California

has made proof as of **December 30, 1960,**

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of **Sacramento River in Sutter County**

tributary to **Suisun Bay**

for the purpose of **irrigation use**
 under Permit **4215** of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from **August 4, 1933** and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **six and three-tenths (6.3) cubic feet per second** to be diverted from about April 1 to about September 30 of each year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located :

North nine hundred (900) feet and west one thousand seven hundred (1700) feet from SE corner of Section 23, T11N, R3E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 23.

The points of redirection of such water are located:

(1) South eighteen degrees east (S18°E) one thousand (1000) feet from NW corner of Section 24, T11N, R3E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 24.

(2) South twenty-three degrees east (S23°E) one thousand four hundred forty (1440) feet from NW corner of Section 13, T11N, R3E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 13.

(3) North thirty-five degrees thirty minutes east (N35° 30'E) two thousand one hundred twenty (2120) feet from SW corner of Section 1, T11N, R3E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.

A description of the lands or the place where such water is put to beneficial use is as follows:

358 acres net within a gross area of 382.8 acres within Sections 1 and 12, T11N, R3E, MDB&M, as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

**LICENSE
TO APPROPRIATE WATER**

ISSUED TO William Nicholas

DATED AUG 1 1950

RECORDED AT THE REQUEST OF

CALIFORNIA STATE OFF
JUL 10 1967

at 40 min. post 10 o'clock
Page No. 565, page 112

OFFICIAL RECORDS OF

U-111-1204
CALIFORNIA
County Recorder

Deputy Recorder

18

5000

Compared

30942 11-60 3M ① 5F0

JUL 12 9 37 AM '66
STATE WATER CONTROL BOARD
SACRAMENTO



Dated:

1961 2 700

L. K. HILL
Executive Officer

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This license is granted and in use accepts all rights herein conferred subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division, (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State, or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the right and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.